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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,993	09/02/2003	William E. Vergin	10268.201	1426

7590 07/28/2004

PATTON BOGGS LLP  
2550 M Street, NW  
Washington, DC 20037-1350

EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/651,993	VERGIN, WILLIAM E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thu Nguyen	3661	<i>MLW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2002.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities:

In claim 1, line 20, the claimed "the user" lacks of antecedent basis.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampedro et al (US 2004/0034467).

As per claim 1, Sampedro teaches a navigation method comprising: providing a motor vehicle with a location receiver and a location processor for generating location data (para 0026; 0030); providing a map database (para 0032); providing a call receiving center NMC 20 (fig.1); providing a network including a wireless link 40 (fig.1) to the motor vehicle; receiving the location signals at the location signal receiver 60, 62 (fig.2), and generating location data based on the received location signals (para 0030); communicating a route request signal to the call receiving center 20 (fig.1) (para 0040-0041); retrieving at the call receiving center road data and generating a route data and transmitting the route data to the motor vehicle through the wireless link (para 0040-0041; 0032); Sampedro does not explicitly disclose that the location processor

generates a location data, and that the wireless link is a wide area network, and does not explicitly disclose presenting the route instruction information to the user. However, Sampedro teaches that the transceiver 60 (fig.2) communicates data to the processor 50 (fig.2), further, using the processor for converting the position to coordinate location data would have been well known. Further, since the network 40 (fig.1) provides communication to several roving devices and vehicles 32-38 (fig.1) Sampedro obviously teaches the well known wide area network. Moreover, Sampedro teaches sending optimal route to the vehicle (para 0041), and presenting the route instruction to the user according to the selected optimal route would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to process location signal in the processor 50 (fig.1), and to present route instruction to the user of the system of Sampedro in order to balance work load between devices 50, 60 (fig.2) and to provide the user navigation instruction along the selected route.

As per claim 3-4, Sampedro teaches receiving an externally generated traffic condition data and generating the route data based on the received traffic condition data, and presenting route traffic condition information (para 0038, 0041).

As per claim 5-6, requesting an alternate route search and presenting the alternate route search result to a mobile vehicle, and presenting distance from the current location to a destination would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include providing well known alternate route search and distance to the destination information to the user of the system of Sampedro in

order to allow the user to select a prefer optimal criteria in searching optimal route and to inform the user the distance at his current location to the destination.

As per claim 7-8, Sampedro teaches generating updated location data and automatically sending the route verification signal from the vehicle to the call center (para 0043), further, verifying update location data and presenting route deviation alert to the user; transmitting the route data together with presenting route instruction to a mobile terminal would have been well known.

4. Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampedro et al (US 2004/0034467) in view of Park et al (US 2003/0088359).

As per claim 2, 9, Sampedro teaches transmitting an initial request from the user to the call center including the location data (para 0040). Moreover, Park teaches transmitting a destination inquiry from the call center to the user (para 0028); transmitting a reply request from the user to the call center including the destination identifier (para 0029); determining if the destination data is valid (para 0029). Further communicating a result of a test would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the steps of querying destination data from the call center, and informing the user of the valid status of the input destination to the system of Sampedro in order to encourage the user to input necessary information for the route search and to inform the user if the input has been valid.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

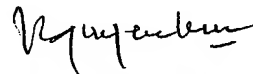
(703) 305-7687 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The  
examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this  
Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 308-1111.



THU V. NGUYEN  
PRIMARY EXAMINER  
July 23, 2004